

**MINUTES OF THE REGULAR MEETING  
ZONING BOARD OF APPEALS  
TOWN OF NEW HARTFORD MUNICIPAL BUILDING  
APRIL 26, 2021**

The Regular Meeting was called to order at approximately 6:00 P.M. by Chairman Randy Bogar. Board Members present were Byron Elias, Lenora Murad, John Montrose, Karen Stanislaus, and Fred Kiehm. Absent: Michele Mandia. Also in attendance were Town Attorney Herbert Cully; Councilmen Richard Lenart and David Reynolds, and Secretary Dory Shaw. Everyone in attendance recited the Pledge of Allegiance. Chairman Bogar introduced the Board Members and explained the procedures for tonight's meeting. He also mentioned that one Board Member is absent and it is up to the applicant whether to proceed. The applicants will need all four members' votes for approval.

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The application of **Mr. & Mrs. Joseph Busa for vacant property located on Valley View Road, current owner CMH Homes, Inc.** They are proposing a new residential home with a 2 bay attached garage. The proposed new structure will be 86'± wide which would encroach into the side yard setback on each side by five'±. Therefore, the applicants are seeking a 5'± side yard setback for each side of the property. Tax Map #330.019-1-45; Lot Size: 1.5 Acres; Zoning: Low Density Residential. THIS WAS TABLED AT THE FEBRUARY 22, 2021 MEETING PENDING THE SUBMITTAL OF A SURVEY, WHICH HAS BEEN RECEIVED. Mr. & Mrs. Busa appeared before the Board.

Mr. Busa submitted a survey from an engineer depicting the layout of the proposed house and garage. He explained the location of this on the lot. It is in line with the adjacent properties. He explained that there will be 11' from the property line on one side and 7' on the other. This gives him enough property to access the backyard easily.

Chairman Bogar asked if this garage is for personal use only – Mr. Busa said yes. He collects antique cars. Board Member Murad also noted this is in line with the other homes in the area.

Chairman Bogar asked if there was anyone in attendance to address this application – no response. The Public Hearing ended at approximately 6:15 P.M.

At this time, the Board Members reviewed the criteria for an Area Variance:

- An undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting the variance – response; no;
- The benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance – response; no, all in agreement;
- The requested variance is substantial – response: no, all in agreement;
- The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district – response: no, all in agreement;

- The alleged difficulty was self-created, which consideration shall be relevant to the decision, but shall not necessarily preclude granting the variance – response: possibly.

Motion was made by Board Member Fred Kiehm to approve this application as requested/submitted; and that a Building Permit be obtained within one year of approval date; seconded by Board Member Karen Stanislaus. Vote taken:

Chairman Randy Bogar - yes  
Board Member Karen Stanislaus – yes  
Board Member Byron Elias - yes

Board Member John Montrose – yes  
Board Member Fred Kiehm - yes  
Board Member Lenora Murad – yes

Motion was **approved** by a vote of 6-0 .

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The application of **Ms. Jessica DeCarlo, 9 Rollingwood Drive, New Hartford, New York**. Ms. DeCarlo is requesting to replace the existing split rail fence in front of her home with a 4 foot tall (plus or minus) scalloped top picket fence. The proposed fence will extend back to the home. This property is located in a Low Density Residential zone. The applicant is seeking an Area Variance to replace the existing fence with a different style in the front yard area setback. Tax Map #339.001-1-41; Zoning: Low Density Residential. Mr. Ed. DeCarlo appeared before the Board.

He explained the proposed fence as his current fence has deteriorated. They will remove the old fence and scale back to the corners of their house. The style will be a picket fence rather than split rail. It is a change from originally submitted – the change happened after submittal. They are amending the application for a fence for the one front extending no more than 6’ in front of the house. It is a reduction from what was originally submitted. The Board Members reviewed the proposal. It is not in the right-of-way.

Chairman Bogar asked if there was anyone in attendance for this application:

Mr. & Mrs. Beck. They are not against the variance – they were confused with the application submittal as this is a corner lot and has two frontages. The applicant and Board Members explained the proposal. They were satisfied. Mr. Beck was concerned about concrete anchoring, but Mr. DeCarlo explained what the contractors would be doing.

There being no further input, the Public Hearing ended at approximately 6:30 P.M.

At this time, the Board Members reviewed the criteria for an Area Variance:

- An undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting the variance – response; no;
- The benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance – response; no, all in agreement;
- The requested variance is substantial – response: no, all in agreement;

- The proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district – response: no, all in agreement;
- The alleged difficulty was self-created, which consideration shall be relevant to the decision, but shall not necessarily preclude granting the variance – response: possibly.

Motion was made by Chairman Randy Bogar to approve this application as requested/submitted; and that a Building Permit be obtained within one year of approval date; seconded by Board Member John Montrose. Vote taken:

Chairman Randy Bogar - yes  
Board Member Karen Stanislaus – yes  
Board Member Byron Elias - yes

Board Member John Montrose – yes  
Board Member Fred Kiehm - no  
Board Member Lenora Murad - yes

Motion was **approved** by a vote of 6 – 0.

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Minutes of the March 15, 2021 Zoning Board meeting were approved by Board Member Byron Elias; seconded by Board Member Fred Kiehm. All in favor.

There being no further business, the meeting adjourned at approximately 6:40 P.M.

Respectfully submitted,

Dolores Shaw, Secretary  
Zoning Board of Appeals

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